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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,321	11/27/2001	Steven Paul Georges Cooremans	10008.200-US	9501

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NOVOZYMES NORTH AMERICA, INC.  
500 FIFTH AVENUE  
SUITE 1600  
NEW YORK, NY 10110

EXAMINER
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SIEFKE, SAMUEL P

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,321

Applicant(s)

COOREMANS ET AL.

Examiner

Samuel P Siefke

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "test compound" in line 1. There is insufficient antecedent basis for this limitation in the claim. There is not a test compound anywhere in claim 1.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what the Applicant is referring to with regards to the liquid sample has a volume selected from 5-95% of the volume of 3.7 ml etc. There is only one volume and that is of the liquid sample containing the body.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1, 2, 3, 5, 22, 23, 24, 25, 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Su et al. (USPN 4,493,783).

Su discloses a method of using and a cleaning agent for optical surfaces (soft contact lens, rubber, plastic col. 2, lines 4-22) that comprises applying a liquid that includes particulate organic polymer with a carrier (carrier system, abstract) to a contact lens, then rubbing them (mechanical stress) to remove contaminants (stain) on the surface of the contact lens (col. 10, lines 43-44), then the lenses were visually examined (evaluated) and classified according to the Rudko scale (col. 10, lines 45-49). The volume of liquid applied is less than 10 ml (col. 9, line 67- col. 10, line 1). It is clear that by rubbing a contact lens with an object, random and periodical oscillating forces are applied (mechanical or by hand). In study IV, lysozyme is used in an alkaline ph (col. 9, lines 61-col. 10, line 10). With regards to claims 10-12, a traceable compound, Su discloses visually inspecting before and after the washing the contact lens, so one could trace whether or not the foreign compounds on the surface have been removed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1, 5-12, 14, 22-26** and **29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Luechauer (USPN 3,094,373).

Luechauer teach a tester card for testing cleaning process to determine whether the cleaning solution had an effective stain removal. The test card comprise a number of detectors formed of dyed textile material (tracers), which may be cloth or yarn dyed with dyes which, by their color changes indicated the relative intensity of the factors of concentration of the chemicals and the time and temperature employed in various steps and the efficiency of the various steps of the process. Luechauer teaches applying mechanical stress, as in a normal laundering process.

Leuchauer does not teach using small volumes of liquid, as Luechauer teaches testing the card in a conventional washing machine.

However it would have been obvious to one having an ordinary skill in the art to employ much smaller sample volumes than conventional laundering in order to conserve sample.

Claim **27** and **29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su et al. (USPN 4,493,783) in view of Nicolson et al. (USPN 5,468,448).

Su discloses a method of using and a cleaning agent for optical surfaces as discussed above.

Su does not teach the use of using a magnetic force to move particles against an object to be cleaned.

Nicolson teaches an apparatus for cleaning a contact lens. The apparatus comprises a container in which a magnetic stir bar assembly is disclosed. The stir bar system comprises a stir bar driven by a magnetic drive system which imparts agitation to the contact lens. It would have been obvious to one having an ordinary skill in the art to modify Su to use include a stir bar assembly of Nakano in order to provide agitation to a container to automate the process and take out the manual rubbing of Su.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel P Siefke whose telephone number is 571-272-1262. The examiner can normally be reached on M-F 7:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam P. Siefke

A handwritten signature in black ink, consisting of several overlapping loops and a central cross-like shape.

June 24, 2004

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700